

either House of the Legislature, make a full return of their property, for such period and with such details and other information as the Lieutenant Governor in council or either House may require.

Act in force. **7.** The present act shall come into force on the day of its sanction.

C A P . X C V I .

An Act to incorporate : " The Sherbrooke Gas and Water Company."

[Assented to 24th July, 1880.]

Preamble.

WHEREAS the present and prospective requirements of the city of Sherbrooke and neighboring municipalities, make it desirable that a more effective method than now exists, should be obtained for the supply of light and water, including heat and power from the use of water and steam ; and whereas the several persons hereinafter mentioned have, by their petition, prayed that they and such others, as are now and may be associated with them in their enterprise, be incorporated under the title hereinafter mentioned, for the purpose of furnishing gas or other illuminating material to the said city and municipalities and, also, for supplying the said city and municipalities with water, heat and motive power from the use of water and steam ; and whereas, a large amount of stock has already been subscribed by the said persons and others to promote the said enterprise ; and whereas it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain persons incorporated.

1. Thomas S. Morey, Robert N. Hall and Arthur O. Granger, all of the said city of Sherbrooke, Charles E. Judson and William W. Scranton, both of the city of Scranton, in the state of Pennsylvania, together with all such persons, as now are or hereafter may become shareholders in the company hereby established, shall be and they are hereby constituted a body politic and corporate, to the ends and for the purposes in the preamble to this act stated, under the name of : " The Sherbrooke Gas and Water Company," and by that name, shall have perpetual succession and a common seal, with power to break and alter the same, and by that name, shall and may sue and be sued, implead and be impleaded, with power to purchase, take and hold such real estate as may be required, for the use

Name of corporation.

General powers.

of the said company, and the same to alienate and hypothecate, and also to purchase, take, hold and dispose of personal property of every kind and description.

2. The head office and chief place of business of the company, shall be in the city of Sherbrooke, but the company's work and business may be carried on and transacted in all or any of the neighboring municipalities hereinafter mentioned. Head office.

3. The capital stock of the company shall consist of one hundred and fifty thousand dollars, (with power to increase, as hereinafter provided), in shares of one hundred dollars each. Capital stock.

4. The said Thomas S. Morey, Robert N. Hall, Arthur O. Granger, Charles E. Judson and William W. Scranton shall be the first directors of the company, and shall continue in office until the first general meeting of shareholders hereinafter mentioned. First directors.

5. The first general meeting of shareholders shall take place at the city of Sherbrooke, on a day to be named by the directors, within three months from the passing of this act, and the ensuing annual general meetings shall be held on such day and at such place and hour, as may be appointed by the by-laws of the company, and, in default of such by-law, the said annual meeting shall take place at the company's office, in Sherbrooke, on the first Wednesday of February of each year, at the hour of two of the clock in the afternoon. First general meeting.

6. At such first meeting and at each subsequent annual general meeting of shareholders, a board of five directors shall be chosen, who shall hold office until the next subsequent annual general meeting of the said shareholders; but on a failure to elect directors on the day and in the manner prescribed, such elections may take place, at any general meeting duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. Election of directors at meetings.

7. The directors shall have power to make by-laws regulating the management of the company, the subscription for shares and the payment thereof, the number, names, duties and salaries of officers, use of proxies, the qualification and remuneration of directors, the quorum necessary for transaction of business, and the place and formality for convening meetings of the board; but two, at least, of the directors, shall be residents of the city of Sherbrooke, Power of directors to make by-laws, &c.

Deeds, &c.,
signed by cer-
tain officers.

Copies cer-
tified by
secretary.

8. Every deed or instrument relating to the business or property of the company, signed by the president and secretary, or by two of the directors and the secretary, and all copies of the company's by-laws or resolutions, certified under the seal of the company by the secretary, shall have full force and effect, and shall be *prima facie* evidence in all courts of this province and for all proceedings, judicial or extra judicial.

Power to sub-
stitute other
illuminant for
gas.

9. It shall be lawful for the company, in substitution for gas or in connection therewith, or in addition thereto, to manufacture, use and sell electric, galvanic, or other artificial light, for the purposes set forth in this act of incorporation, and to manufacture, store and sell heat, derived from other sources than coal gas, and also steam or other motive power, obtainable by means of any illuminating or heating agent, used in the manufactures of the company.

To acquire
patent and
other rights.

10. It shall be lawful for the company, from time to time, to acquire, by purchase or otherwise, any patent or other rights for the manufacture, production, use and sale of electric, galvanic or other artificial light or illuminant, or gas or other substance, for heating or cooking purposes, or for motive power and to sell such patent or patents, or other rights, if in the opinion of the directors, unsuitable for the purpose of the company.

To make cer-
tain works.

11. It shall be lawful for the company, to break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places, within the limits of the city of Sherbrooke, and of the adjoining townships of As of and Orford and of the village of Lennoxville, as may be necessary for laying down the mains and pipes, to conduct the gas or illuminating material, water, steam or motive power from the works of the company to the consumers thereof, doing no unnecessary damage in the premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places, while the works are in progress, upon obtaining permission therefor from the councils of such municipalities.

To enter build-
ings to lay
pipes, &c.

12. Where there are buildings within the said limits, the different parts whereof belong to different proprietors or are in possession of different tenants or lessees, the company may carry pipes to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants, to convey

the gas or illuminating material, water, steam or motive power, to the property of another or in the possession of another.

13. The company may also break up and uplift all passages, common to neighboring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes or taking up or repairing the same, doing as little damage as may be, in the execution of the powers granted by this act, and making satisfaction, thereafter, to the owners or proprietors of buildings or other property, or to any other party, for all damages by them sustained, in or by the execution of the powers granted by this act. To open up passages, &c.

14. The company shall so construct and locate its works and all apparatus and appurtenances thereunto belonging or appertaining, as not to endanger the public health and safety. Location of works.

15. In case the company shall open or break up any street, square or public place, and shall neglect to keep the passage of the said street, square or public place, as far as may be, free and uninterrupted, or to place guards or fences with lamps, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares, or public places, without unnecessary delay, or to repair any damage that may have been caused to such street, square or public place, by reason of any works done therein by the company, the company shall be responsible for all damages caused by such neglect, and the municipal authorities of the corporation interested, after notice in writing to the company, shall cause the duty so neglected to be forthwith performed, and may recover the expense thereof from the company ; To allow free circulation when works are in progress.

And in default of payment of the costs by the latter, within one month after demand, they may be recovered by civil action in any court of competent jurisdiction. Recovery by action if costs not paid.

16. If any person lays, or causes to be laid, any pipe or main to communicate with any pipe or main belonging to the company, or in any way obtains or uses its gas or other illuminating material, water, steam or motive power, without the consent of the company, he shall forfeit and pay to the company the sum of fifty dollars, and also a further sum of four dollars for each day during which such communication remains, which sums, together with costs of suit in that behalf incurred, may be recovered by civil action in any court of competent jurisdiction. Connecting with company's, pipes, &c.

Property of
company not
liable to
seizure.

17. Neither the service nor connecting pipes of the company, nor any meters, lusters, lamps, pipes, gas-fittings, or other property of any kind whatsoever of the company, placed in or upon the premises of others, shall be subject to or liable for rent, notwithstanding article 1622 of the civil code, nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be, in any way whatsoever, liable to any person for the debt of any person to and for whose use, or the use of whose house or building, the same may be applied by the company, notwithstanding the actual or apparent possession thereof by such person.

Power to
enter houses
for certain
purposes and
on certain
conditions.

18. In all cases where the company may lawfully cut off and take away the supply of gas, water, steam, or motive power from any house, building or premises, the company, its agents and workmen may enter into the house, building or premises, between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, fittings or apparatus, the property of and belonging to the company; and any servant of the company duly authorized may, between the hours aforesaid, enter any house into which gas, water, steam, or motive power has been taken for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter, pipe or apparatus belonging to the company or used for its gas, water, steam, or motive power; and if any person refuses to permit or does not permit the servants and officers of the company to enter and perform the acts aforesaid, the person so refusing or obstructing, shall incur a penalty to the company, for every such offence, not exceeding ten dollars, and a further penalty not exceeding four dollars, for every day during which such refusal or obstruction continues, to be recovered with costs as hereinafter provided.

Penalty on
person refus-
ing admis-
sion.

Recovery of
penalties.

19. All fines, penalties and forfeitures, imposed by this act, except those imposed by the sixteenth section, may be sued for and recovered, with costs, by the company, before a justice or justices of the peace, in the district where the offence has been committed, on the oath of any one credible witness.

Increasing
capital stock.

20. The directors of the company may, if they see fit, at any time after the whole capital stock of one hundred and fifty thousand dollars, above mentioned, shall have been subscribed and paid in, but not sooner, make, from

time to time, by-laws for increasing the capital stock of the company, to any amount which they may consider requisite, in order to the due carrying out of the objects of the company. Such by-laws shall declare the number and the value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted, and allow a right of preference for the subscription thereof in favor of the then existing body of shareholders. But no such by-laws shall have force and effect, until after they shall have been sanctioned by a vote of not less than two-thirds in amount of the shareholders, at a general meeting of the company, duly called for considering the same.

By-laws for
that purpose.

Sanction of
by-laws.

21. The company may also issue debentures to the extent, at any time, of their actual paid up capital, such debentures, payable at such time and manner, and bearing such rate of interest as the company may lawfully direct; but no such debentures shall be issued, unless authority therefor is obtained by a vote of shareholders, representing two-thirds of the capital stock of the company, at a special general meeting of the said shareholders, duly convened for that purpose.

Issue of de-
bentures.

Proviso.

22. "The joint stock companies general clauses Act," 31 V., c. 24, shall apply to and be a part of this act, except in so far as it is in contradiction to or inconsistent with any of the provisions of this act.

to apply.

23. This act shall come into force on the day of its sanction.

Act in force.

C A P . X C V I I .

An Act to amend the Acts respecting the Quebec Gas Company.

[Assented to 24th July, 1880.]

WHEREAS the Quebec Gas Company have petitioned the Legislature for further powers, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

1. It shall and may be lawful for the said company to manufacture and sell gas, for heating, cooking, and other than illuminating purposes.

Power to
manufacture,
&c., gas, &c.